

JUN 29 1993

Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Part 90 of the)
Commission's Rules to Adopt) PR Docket No. 93-61
Regulations for Automatic 16)
Vehicle Monitoring Systems) RM-8013

To: The Commission

COMMENTS
OF THE
NATIONAL ASSOCIATION OF BUSINESS
AND EDUCATIONAL RADIO, INC.

The National Association of National Association of Business and Educational Radio, Inc. ("NABER"), pursuant to Section 1.415 of the Commission's Rules and Regulations, 47 C.F.R. § 1.415, respectfully submits its Comments in response to the Notice of Proposed Rule Making ("Notice") adopted by the Commission in the above-styled proceeding.¹

I. PRELIMINARY STATEMENT

NABER is a national, non-profit, trade association headquartered in Alexandria, Virginia, that represents the interests of manufacturers, vendors and service providers as well as large and small businesses that use land mobile radio communications as an important adjunct to the operation of their businesses. NABER has six membership sections representing Users, Private Carrier Paging licensees, Radio Dealers, Technicians, Site Owners and Managers, and Specialized Mobile Radio operators. NABER

¹ Notice of Proposed Rule Making (FCC 93-141), PR Docket No. 93-61, adopted March 11, 1993, and released April 9, 1993.

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comprises over 6,000 of these businesses and service providers holding thousands of licenses in the private land mobile services.

For the past 19 years, NABER has been the recognized frequency coordinator in the 450-470 MHz and 470-512 MHz bands for the Business Radio Service. NABER is also the Commission's recognized frequency coordinator for the 800 MHz and 900 MHz Business Radio

tracked, the Commission proposes to change the name of the service to "Location and Monitoring Service ("LMS")."

In the 902-928 MHz band, the Commission proposes to allocate a portion of the band for wide-band LMS systems and a separate portion for narrowband systems. The Commission does not propose to issue exclusive licenses, but would require interference protection under one of two proposed methods for wide-band LMS systems and co-channel coordination between narrowband LMS systems.

NABER's Comments focus primarily on the Commission's proposal as it relates to the bands below 800 MHz.

II. COMMENTS

A. Section 90.105(3)

NABER generally supports the proposals by the Commission pertaining to the permanent service rules for LMS systems. However, NABER is concerned that the Commission's proposed Rule 90.105(3) is not clear and may cause unintended post-licensing interference disputes. NABER, as discussed below, requests the Commission clarify the intent of the rule.

Proposed Section 90.105(3) provides for the use of frequencies in the 25-50 MHz, 150-170 MHz and 450-512 MHz bands for LMS systems that require not more than 25 kHz bandwidth per frequency. An existing licensee could convert its licensed frequencies to an LMS system, or could request assignment of base-mobile frequencies in the service in which the applicant may establish eligibility. However, neither the docket nor the proposed rules provide insight on the issue of coordination of these systems.

Currently, such systems are required to be coordinated pursuant to Section 90.175, and such requirement should be retained. AVM systems do not typically have the ability to monitor prior to transmission, which results in potential interference to other users of the frequency when the AVM system is operating on a secondary basis. Most likely, the Commission intends for the new LMS systems to be coordinated through the frequency coordination committee for the radio service in which eligibility is established pursuant to Section 90.175 of the Commission's rules. NABER agrees with this requirement, and asks that the Commission explicitly discuss this issue in the final action in this proceeding.

Further, NABER questions whether a licensee who converts an existing base-mobile operation to an LMS system will be required to modify its authorization and submit the application to the Commission via the appropriate frequency coordinator. Should the licensee modify its emission designator to initiate operation of the LMS system, an application would be necessary. On the other hand, should the conversion merely be the increase of mobile units from the current number to 200 to 400 units, no application would be necessary. However, unless the frequency coordinator and the Commission are notified of these changes immediately, erroneous coordination and assignment of the previously-licensed frequencies may occur.

NABER also is concerned with the enforcement of the Commission's proposal that frequencies will be assigned on a secondary non-interference basis to any authorized radiotelephony

operation should the applicable loading standards not be met. Unless the frequency coordinators are involved in the recommendations for frequencies, the Commission may have difficulty in enforcing the secondary operations of this service. In light of the Commission's limited resources, the use of frequency coordinators to assist the Commission in dealing with these interference cases would be the most effective, efficient and economic feasible mechanism for the Commission.

Proposed Section 90.105(b)(3)(i) provides loading standards for "single frequency mode of operation", "two frequency mode of operation" and "pairs of frequencies." The standard is the same for single frequency mode and pairs and is higher for two frequency mode operations. However, Section 90.105(b)(3)(ii) provides co-channel separation criteria for "single frequency mode" and for "two frequency mode," but does not mention a separation criteria for paired frequencies. NABER requests the Commission clarify whether paired frequency mode has the same separation criteria as the single frequency mode or the two frequency mode. NABER suggests that the separation criteria should be the same as the single frequency mode, particularly as the two have the same loading standards.

In previous rule makings that were initiated after the adoption of the Commission's "Refarming Proceeding," PR Docket 92-215,² the Commission has indicated that should Part 88 be adopted the rules proposed in the Notice would be incorporated into the new Part. In this Notice, there is no mention of the Refarming Proceeding. Certainly, the majority of the proposals relate to the bands above 800 MHz, which the Refarming proceeding does not directly impact other than the re-structuring of the rule sections. Nevertheless, NABER questions whether LMS systems will be able to operate within the Commission's proposed narrowband channel plan for bands below 800 MHz in the Refarming docket. There is no discussion as to whether such systems would be grandfathered or

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have to resolve. By implementing the frequency coordination requirement, better frequency selection would be recommended and the coordinators could deal with any post-licensing disputes. Similar to the current structure, NABER recommends that NABER be certified as the coordinator for all Business Radio Service eligibles, including private carriers, and the Commission may wish to consider certifying frequency coordinating committees for the other radio services.

III. CONCLUSION

NABER asks the Commission to address the issues set forth above and favorably consider NABER's suggestion to implement a frequency coordination requirement for the 902-928 MHz band.

WHEREFORE. THE PREMISES CONSIDERED. the National Association